

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

FEDERAL INSURANCE COMPANY,
PACIFIC EMPLOYERS INSURANCE
COMPANY, ACE AMERICAN
INSURANCE COMPANY, ACE
PROPERTY AND CASUALTY
INSURANCE COMPANY, INDEMNITY
INSURANCE COMPANY OF NORTH
AMERICA, and WESTCHESTER FIRE
INSURANCE COMPANY,

Plaintiffs,

v.

Civil Action No: 1:23-CV-01367-RDP

SHAW INDUSTRIES, INC.,

Defendant,

and

COMMERCE & INDUSTRY INSURANCE
COMPANY; FIRST STATE INSURANCE
COMPANY; EMPLOYERS INSURANCE
COMPANY OF WAUSAU; GREAT
AMERICAN INSURANCE COMPANY;
U.S. FIRE INSURANCE COMPANY;
TRAVELERS CASUALTY AND SURETY
COMPANY; JOHN DOE INSURERS 1-100

Nominal Defendants.

**DEFENDANT FIRST STATE INSURANCE COMPANY'S JOINDER
IN OPPOSITION TO DEFENDANT SHAW INDUSTRIES, INC.'S
MOTION TO TRANSFER VENUE UNDER 28 U.S.C. § 1404(A)**

Defendant, First State Insurance Company ("First State"), respectfully submits that the Court should deny Defendant Shaw Industries, Inc.'s Motion to Transfer Venue Under 28 U.S.C. § 1404(a) for failure to meet its burden that transfer is warranted, as more fully set forth in the

Opposition to Defendant Shaw Industries, Inc.'s Motion to Transfer Venue Under 28 U.S.C. § 1404(a) (Doc. 72), which First State hereby joins.

Dated: January 19, 2024

By: */s/ Christopher C. Frost*

Christopher C. Frost

Emily C. Burke

Maynard Nexsen PC

1906 Sixth Avenue North, Suite 1700

Birmingham, AL 35203

Tel: (205) 254-1102

cfrost@maynardnexsen.com

eburke@maynardnexsen.com

- and -

Wayne S. Karbal (*pro hac vice forthcoming*)

Gerald E. Ziebell (*pro hac vice forthcoming*)

Karbal, Cohen, Economou, Silk, Dunne LLC

200 S. Wacker Drive

Chicago, IL 60606

Tel: (312) 431-3610

Fax: (312) 431-3670

wkarbal@KARBALLAW.com

gziebell@KARBALLAW.com

*Counsel for Defendant First State Insurance
Company*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following via the CM/ECF system which will send electronic notification to counsel on January 19, 2024:

John W. Johnson, II
CHRISTIAN & SMALL, LLP
505 North 20th Street, Suite 1800
Birmingham, AL 35203
jwjohanson@csattorneys.com
Attorney for Plaintiffs

Christopher Hemphill
Michael Baughman
Cohn Baughman
525 W. Monroe Street, Suite 1500
Chicago, IL 60661
christoper.hemphill@mclolaw.com
michael.baughman@mclolaw.com
Attorneys for Plaintiffs

F. Lane Finch, Jr.
Brandon J. Clapp
Swift, Currie, McGhee & Hiers, LLP
1901 Sixth Ave. North, Suite 1100
Birmingham, AL 35203
T: (205) 314-2401
lane.finch@swiftcurrie.com
brandon.clapp@swiftcurrie.com
Attorneys for U.S. Fire Insurance Company

Joel S. Isenberg
Rob E. Norton
ELY & ISENBERG, LLC.
3500 Blue Lake Drive, Suite 345
Birmingham, AL 35243
Telephone: (205) 313-1200
Facsimile (205) 313-1201
JIsenberg@elylawllc.com
RNorton@elylawllc.com
*Attorneys for Travelers Casualty and Surety Company
f/k/a The Aetna Casualty and Surety Company*

Brannon J. Buck
Christopher B. Driver
BADHAM & BUCK LLC
2001 Park Place North, Suite 500
Birmingham, AL 35203
(205) 521-0036
Fax: (205) 521-0037
bbuck@badhambuck.com
cdriver@badhambuck.com
Attorneys for Shaw Industries, Inc.

Hirshel Michael Hall
ALSTON & BIRD LLP
1201 West Peachtree Street, Suite 4900
Atlanta, GA 30309
(404) 881-7000
hirshel.hall@alston.com
Attorney for Commerce & Industry Insurance Company

Scott M Salter
STARNES DAVIS FLORIE LLP
100 Brookwood Place, 7th Floor
Birmingham, AL 35209
(205) 868-6000
Fax: (205) 868-6099
ssalter@starneslaw.com
Attorney for Firemans Fund Insurance Company

Edward M. Holt
Zachery L. Gillespie
1906 Sixth Avenue North, Suite 1700
Birmingham, AL 35203
Telephone: (205) 254-1075
zgillespie@maynardnexsen.com
Attorneys for Defendant Great American Insurance Company

/s/ Christopher C. Frost
OF COUNSEL